

## **REMARKS**

Claims 1-20 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 1-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. This rejection is respectfully traversed.

Specifically, with regards to claims 1, 10, 15 and 16, the Examiner stated that the claims fail to positively recite any connection between the base and the rest of the recited elements. In response, Applicants have amended claims 1, 5, 10, 15 and 16 to positively recite an operative connection between the base assembly and the carriage assembly.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-18.

### **REJECTION UNDER 35 U.S.C. § 103**

Claim 1-4 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Liao (5,829,499). This rejection is respectfully traversed.

The establishment of a *prima facie* case of obviousness requires that three basic criteria be met: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine the reference teachings, 2) that there must be a reasonable expectation of success, and 3) that the prior art reference or references must teach or suggest all the claim limitations. *See, e.g., In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Regarding the requirement for teaching or suggesting all claim elements, Applicants note that Claims 1, 10, and 15, as amended, all include the following limitation: the hand crank “is on the front half of the power planer.” The combination of Welsh and Liao does not teach or suggest Applicants’ invention, as neither Welsh nor Liao employs or suggests a hand crank that is on the front half of the power planer. Welsh and Liao each disclose a handle that is not located on the front half of the planer. Instead, the handles are attached to the respective planers of Welsh and Liao centrally so that at least half of the handle is not located on the front half of the planer.

Moreover, there is no suggestion or motivation in Welsh and Liao to change or alter the locations of their handles from their central locations to one in the front half of the planer because both Welsh and Liao use centrally located threaded rods that connect to the handles as means to translate the carriage assemblies with respect to the base assemblies. In the case of Welsh, the handle assembly is located above the drive rod and directly connects to the upper portion of the drive rod. If the handle assembly was moved from this position, it would no longer be located above the drive rod and could not operationally engage the drive rod in a manner as to allow it to translate the carriage assembly relative to the base assembly when the handle assembly is actuated by the user. More specifically, moving the handle assembly from its central position would disconnect the handle from the upper portion of the drive rod thereby preventing the rotation of the drive rod, which drives the carriage assembly, when the handle assembly is actuated by the user.

Similarly, in Liao, the adjusting handle is located adjacent to the centrally located threaded rods and connects to the threaded rods through drive members which are directly connected to the adjusting handle via a horizontal coupling rod. If the adjusting handle was moved from this position, the adjusting handle would no longer be located adjacent the threaded rod and would no longer operationally engage the threaded rod in a manner as to allow the threaded rod to translate the carriage assembly relative to the base assembly when the adjusting handle is actuated by the user. More specifically, moving the adjusting handle would move the coupling rod and directly connected drive members out of engagement with the threaded rod thereby preventing the rotation of the threaded rod, which drives the carriage assembly, when the adjusting handle is actuated by the user.

For at least the reasons set forth above, Applicants submit that the Examiner has not presented a *prima facie* case of obviousness.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-4 and 10-15 under 35 U.S.C. § 103(a).

The Examiner also rejected claims 5-9 under 35 U.S.C. § 103(a) as being unpatentable over Welsh in view of Liao and Buttke (U.S. Pat. No. 2,792,036). This rejection is respectfully traversed.

Claim 5, as amended, requires a hand crank “on the front half of the power planer.” As discussed above with respect to claims 1, 10 and 15, the planing machines disclosed in the Welsh patent and the Liao patent do not teach, disclose, or suggest a hand crank on the front half of the power planer. The Buttke patent also does not teach, disclose, or suggest a planer having a hand crank on the front half of the power planer. Instead, the hand wheel of Buttke is attached to the

planer centrally so that at least half of the hand wheel is not located on the front half of the planer.

Moreover, there is no suggestion or motivation in Buttke to change or alter the location of the hand wheel from its central location to one in the front half of the planer because, as shown in Fig. 5, the hand wheel is directly connected to a centrally located rod that connects to two extensions that assist in raising and lowering the table assembly. If the hand wheel was moved from this position, it would no longer be directly connected to the centrally located rod and could not operationally engage the rod in a manner as to allow it to translate the table assembly relative to the carriage assembly when the hand wheel is actuated by the user. More specifically, moving the hand wheel would disconnect the hand wheel from the lateral portion of the central rod thereby preventing the rotation of the central rod, which drives the table assembly, when the hand wheel is actuated by the user.

Thus, the Welsh/Liao/Buttke patent combination cannot render claim 5 and its dependent claims unpatentable.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 5-9 under 35 U.S.C. § 103(a).

The Examiner also rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Liao and Chen (U.S. Pat. No. 5,988,239). This rejection is respectfully traversed.

Claim 16, as amended, requires a hand crank “on the front half of the power planer.” As discussed above with respect to claims 1, 10 and 15, the planing machines disclosed in the Welsh patent and the Liao patent do not teach, disclose, or suggest a hand crank on the front half of the power planer. The Chen patent also does not teach, disclose, or suggest a planer having a hand

crank on the front half of the power planer. In fact, there is no disclosure in the Chen patent regarding the placement of a handle that is acutatable by a user for changing the distance between the base assembly and the carriage assembly, let alone any disclosure that teaches or suggests a handle located in the front half of the planer.

Thus, the Welsh/Liao/Chen patent combination cannot render claim 16 and its dependent claims unpatentable.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 16-18 under 35 U.S.C. § 103(a).

#### **ALLOWED SUBJECT MATTER**

Applicants appreciate the Examiner's indication that claims 19-20 are allowed.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 821-1641.

A two month extension fee is believed due. Furthermore, the Commissioner is authorized to charge payment of any fees due in the processing of this amendment, or credit any overpayments to Deposit Account No. 02-248.

Respectfully submitted,

Dated: 12/19/06

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